

Sam Clayton
1049 Market St, #203
San Francisco, CA 94103

Plaintiff

FILED
SEP 11 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SAM CLAYTON, et al.,

Plaintiff,

v.

Secretary of Dept of Homeland Security, aka

Michael Chertoff, et al.

Defendants.

Civil Action No. C 07-02781 CW

**PLAINTIFF'S REPLY FOR MOTION
FOR SUMMARY JUDGMENT
MOTION**

2 PM September 27, 2007
Courtroom 2
Judge Wilken

I. Defendant violates this court's rule by citing to the unpublished opinions that held that mandamus is inappropriate for expediting a green card application. This is all the more egregious because defendant does not alert the court of the unpublished opinions holding to the contrary.

Defendant filed its national boilerplate memo for green card lawsuits, which was intended for those courts that permit citation to unpublished decisions.

Unpublished decisions have held both ways on the issue whether mandamus is appropriate for expediting a green card application. Defendant violates this court's rule by citing to the unpublished opinions that held that mandamus is inappropriate. This is all the more egregious because defendant does not alert the court to the unpublished opinions holding to the contrary.

Plaintiff, as a result, is in the uncomfortable position of being unable to cite to these

unpublished opinions holding to the contrary, unless he himself violates this court's rule that he criticizes defendant for violating.

II. Chertoff will not be prejudiced by requesting the FBI to more expeditiously conduct plaintiff's background check, as Chertoff in fact used to do so for each plaintiff who sued over delay with his green card.

Defendant suggest it will be burdened by more expeditiously conducting plaintiff's background check. In fact, Chertoff used to voluntarily request such expedition from the FBI, each and every time a lawsuit such as this was filed seeking a quicker background check. See USCIS Memorandum attached as Exhibit A.

III. Plaintiff is extraordinarily prejudiced by the delay in conducting his background check, since he is kept from college and from visiting his father, who is a cancer patient.

Defendant admits to some prejudice suffered by plaintiff. There is for instance no dispute that plaintiff does not accumulate time toward becoming a citizen until the background check is complete. More important, plaintiff wants to become a full time college student. Plaintiff's Attached Declaration at 1. He cannot do so because he is ineligible for federal financial aid until he gets his green card. *Id.* (citing its Exhibit A). This Exhibit A is the US Department of Education's FAFSA form, explaining at page 2 that to get federal financial aid, one must generally be at least a conditional permanent resident. This court has already approved plaintiff's in forma pauperis petition, which is strong evidence that the absence of federal aid keeps plaintiff from attending college.

Defendant suggests that plaintiff's prejudice is slight because, for instance, he could apply for prior permission to leave the country and return. Even this is not true, however. Plaintiff would like to leave the country to visit his father who is an ailing cancer patient. Plaintiff's

Attached Declaration at 1. Even if plaintiff obtains the prior permission to return that defendant discusses, plaintiff can still be denied re-entry. See Exhibit B (USCIS Instruction for Form I-131) This instruction explains in the page 3 "Travel Warning" section that even with prior permission, plaintiff can still be denied re-entry, if plaintiff was illegally in the country before he filed his immigration application. Plaintiff was illegally in the country beforehand.

Plaintiff's Declaration at 1.

IV. Relief can be fashioned to avoid the Ministerial / Discretionary Issue.

Defendant claims mandamus is inappropriate because at issue is supposedly only discretionary acts. Plaintiff does not agree that all acts are discretionary, but even if they are, relief can be fashioned to avoid this Ministerial / Discretionary issue.

For instance, instead of ordering Chertoff to adjudicate the green card application, the court can order co-defendant Director of the FBI to expedite the background check. The court can also alternatively order co-defendant Chertoff to request that the FBI expedite the background check, which would likely resolve everything. As discussed in Exhibit A, Chertoff used to routinely make such requests for each green card lawsuit.

Wherefore summary judgment should issue, and the court should order one of the defendants to adjudicate the green card application or to more expeditiously conduct the background check, or alternatively order co-Defendant Chertoff to request from co-Defendant Director of the FBI to more expeditiously conduct the background check.

Dated: September 10, 2007

Very truly yours

A handwritten signature in black ink, appearing to be 'SC' or a stylized 'S' followed by a 'C'.

Sam Clayton

Office of Communications
U.S. Department of Homeland Security

E, A



U.S. Citizenship
and Immigration
Services

February 20, 2007

USCIS Update

USCIS CLARIFIES CRITERIA TO EXPEDITE FBI NAME CHECK

Federal Litigation Removed as Sole Basis to Expedite Check

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) is no longer routinely requesting the FBI to expedite a name check when the only reason for the request is that a mandamus (or other federal court petition) is filed in the case.

USCIS may continue to request an expedited FBI name check if the case meets one of the other approved criteria, including:

1. Military deployment,
2. Age-out cases not covered under the *Child Status Protection Act*, and applications affected by sunset provisions such as diversity visas,
3. Significant and compelling reasons, such as critical medical conditions, and
4. Loss of social security benefits or other subsistence at the discretion of the USCIS District Director.

The FBI name check is an invaluable part of the security screening process, ensuring that our immigration system is not used as a vehicle to harm our nation or its citizens. USCIS also requests an FBI name check to screen out people who seek immigration benefits improperly or fraudulently and ensure that only eligible applicants receive benefits.

Information about the FBI name check is available on the USCIS website at <http://www.uscis.gov> or by calling the USCIS National Customer Service Center toll free at 1-800-375-5283.

–USCIS–

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.

www.uscis.gov

Department of Homeland Security
U.S. Citizenship and Immigration Services

E B

OMB No. 1615-0013; Expires 11/30/07

Instructions for Form I-131, Application for Travel Document

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

Updated Filing Address Information

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-131 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website at www.uscis.gov before you file, and check the Forms and Fees page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-131 matches the edition date listed for Form I-131 on the online Forms and Fees page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. Improperly filed forms will be rejected and the fee returned, with instructions to resubmit the entire filing using the current form instructions.

What Is the Purpose of This Form?

This form is used to apply to the U.S. Citizenship and Immigration Services (USCIS) for the following travel documents:

1. **Reentry Permit** - A reentry permit allows a permanent resident or conditional resident to apply for admission to the United States upon return from abroad during the permit's validity, without having to obtain a returning resident visa from a U.S. embassy or consulate.
2. **Refugee Travel Document** - A refugee travel document is issued to a person classified as a refugee or asylee, or to a permanent resident who obtained such status as a result of being a refugee or asylee in the United States. Persons who hold such status must have a refugee travel document to return to the United States after temporary travel abroad unless he or she is in possession of a valid advance parole document. A refugee travel document is issued by the USCIS to implement Article 28 of the United Nations Convention of July 28, 1951.
3. **Advance Parole Document** - An advance parole document is issued solely to authorize the temporary parole of a person into the United States.

The document may be accepted by a transportation company in lieu of a visa as an authorization for the holder to travel to the United States. An advance parole document is not issued to serve in place of any required passport.

Advance parole is an extraordinary measure used sparingly to bring an otherwise inadmissible alien to the United States for a temporary period of time due to a compelling emergency. Advance parole cannot be used to circumvent the normal visa issuing procedures and is not a means to bypass delays in visa issuance.

NOTE: If you are in the United States and wish to travel abroad, you do not need to apply for advance parole if both conditions described below in numbers 1 and 2 are met:

- A. You are in one of the following nonimmigrant categories:
 1. An H-1, temporary worker, or H-4, spouse or child of an H-1; or
 2. An L-1, intracompany transferee, or L-2, spouse or child of an L-1; or
 3. A K-3, spouse, or K-4, child of a U.S. citizen; or
 4. A V-2, spouse, or V-3, child of a lawful permanent resident; and
 - B. A Form I-485, Application to Register Permanent Residence or Adjust Status, was filed on your behalf and is pending with the USCIS.
- However, upon returning to the United States, you must present your valid H, L, K or V nonimmigrant visa and continue to remain eligible for that status.

Who May File This Form I-131?

Each applicant must file a separate application for a travel document.

1. Reentry Permit.

- A. *If you are in the United States* as a permanent resident or conditional permanent resident, you may apply for a reentry permit. After filing your application for Reentry Permit, USCIS will inform you in writing when to go to your local Application Support Center (ASC) for your biometrics appointment.

You must be physically present in the United States when you file the application. However, a reentry permit may be sent to a U.S. embassy or consulate or Department of Homeland Security (DHS) office abroad for you to pick up, if you request it when you file your application.

Departure from the United States before a decision is made on an application for a reentry permit does not affect the application. However, departure from the United States should not occur before your biometrics (fingerprints) have been taken.

With the exception of having to obtain a returning resident visa abroad, a reentry permit does not relieve you of any of the requirements of the United States immigration laws.

If you stay outside the United States for less than one year, you are not required to apply for a reentry permit. You may reenter the United States on your Permanent Resident Card (Form I-551).

If you intend to apply in the future for naturalization, absences from the United States for one year or more will generally break the continuity of your required continuous residence in the United States. If you intend to remain outside the United States for one year or more, you should file a Form N-470, Application to Preserve Residence for Naturalization Purposes. For further information, contact your local USCIS office.

B. *Validity of reentry permit.*

1. Generally, a reentry permit issued to a permanent resident shall be valid for two years from the date of issuance. However, if since becoming a permanent resident you have been outside the United States for more than four of the last five years, the permit will be limited to one year, except that a permit with a validity of two years may be issued to the following:
 - a. A permanent resident whose travel is on the order of the United States government, other than an exclusion, deportation, removal or recission order.
 - b. A permanent resident employed by a public international organization of which the United States is a member by treaty or statute.
 - c. A permanent resident who is a professional athlete and regularly competes in the United States and worldwide.
2. A reentry permit issued to a conditional resident shall be valid for two years from the date of issuance, or to the date the conditional resident must apply for removal of the conditions on his or her status, whichever date comes first.

3. A reentry permit may not be extended.

C. *A reentry permit may not be issued to you if:*

1. You have already been issued such a document and it is still valid, unless the prior document has been returned to the USCIS, or you can demonstrate that it was lost; or
2. A notice was published in the Federal Register that precludes the issuance of such a document for travel to the area where you intend to go.

NOTICE to permanent or conditional residents who remain outside the United States for more than one year: If you do not obtain a reentry permit and remain outside the United States for one year or more, it may be determined that you have abandoned your permanent or conditional resident status.

2. Refugee Travel Document.

- A. *If you are in the United States* in valid refugee or asylee status, or if you are a permanent resident as a direct result of your refugee or asylee status in the United States, you may apply for a refugee travel document. Generally, you must have a refugee travel document to return to the United States after temporary travel abroad. After filing your application for Refugee Travel Document, USCIS will inform you in writing when to go to your local USCIS Application Support Center (ASC) for your biometrics appointment.

You must be physically present in the United States when you file the application. However, a refugee travel document may be sent to a United States embassy or consulate or DHS office abroad for you to pick up, if you request it when you file your application. Departure from the United States before a decision is made on the application for a refugee travel document does not affect the application. However, departure from the United States should not occur before your biometrics (fingerprints) have been taken.

B. *Validity of refugee travel document.*

1. A refugee travel document shall be valid for one year.
2. A refugee travel document may not be extended.

C. *A refugee travel document may not be issued to you if:*

1. You have already been issued such a document and it is still valid, unless the prior document has been returned to the USCIS, or you can demonstrate that it was lost; or
2. A notice was published in the Federal Register that precludes the issuance of such a document for travel to the area where you intend to go.

NOTICE to permanent residents who obtain permanent residence as a result of their refugee or asylee status: If you do not obtain a reentry permit and remain outside the United States for one year or more, it may be determined that you have abandoned your permanent resident status.

3. Advance Parole Document.

Travel Warning

Before you apply for an advance parole document, read this travel warning carefully.

- A. If you have been unlawfully present in the United States for more than 180 days but less than one year and you leave before removal proceedings are started against you, you may be inadmissible for three years from the date of departure.
- B. If you have been unlawfully present in the United States for one year or more, you may be inadmissible for ten years from the date of departure regardless of whether you left before, during or after removal proceedings.
- C. Unlawful presence is defined as being in the United States without having been inspected and admitted or paroled (illegal entry), or after the period of authorized stay has expired.
- D. However, certain immigration benefits and time spent in the United States while certain applications are pending may place you in a period of authorized stay. These include, but are not limited to, a properly filed adjustment of status application, Temporary Protected Status (TPS), deferred enforced departure (DED), asylum and withholding of removal.
- E. Although advance parole may allow you to return to the United States, your departure may trigger the three-or ten-year bar, if you accrued more than 180 days of unlawful presence **BEFORE** the date you were considered to be in a period of authorized stay.
- F. Therefore, if you apply for adjustment of status after you return to the United States, resume an adjustment application that was pending before you left, or return to a status that requires you to establish that you are not inadmissible, you will need to apply for and receive a waiver of inadmissibility before your adjustment application may be approved or your status continued.
- G. Generally, only those persons who can establish extreme hardship to their U. S. citizen or lawful permanent resident spouse or parent may apply for the waiver for humanitarian reasons, to assure family unity or when it is otherwise in the public interest. (See sections 209(c), 212(a)(9) and 244(c) of the Immigration and Nationality Act for more information on unlawful presence and the available waivers.)

A. *If you are outside the United States and need to visit the United States temporarily for emergent humanitarian reasons:*

1. You may apply for an advance parole document. However, your application must be based on the fact that you cannot obtain the necessary visa and any required waiver of inadmissibility. Parole under these conditions is granted on a case-by-case basis for temporary entry, according to such conditions as prescribed.
2. A person in the United States may file this application on your behalf. In so doing, he or she should complete **Part 1** of the form with information about him or herself.

B. *If you are in the United States and seek advance parole:*

1. You may apply if you have an adjustment of status application pending and you seek to travel abroad for emergent personal or bona fide business reasons; or
2. You may apply if you are classified as a refugee or asylee and you seek to travel abroad for emergent personal or bona fide business reasons, or you are traveling to Canada to apply for a U.S. immigrant visa. (See **Part 2, Refugee Travel Document on Page of 2 of these instructions**, for additional information on refugee/asylee travel); or
3. You may apply if you have been granted Temporary Protected Status or another immigration status that allows you to return to that status after a brief, casual and innocent absence (as defined in 8 CFR 244.1) from the United States.

C. *An advance parole document may not be issued to you if:*

1. You held J-1 nonimmigrant status and are subject to the two-year foreign residence requirement as a result of that status; or
2. You are in exclusion, deportation, removal or recission proceedings.

D. *If you travel before the advance parole document is issued, your application will be deemed abandoned if:*

1. You depart from the United States; or
2. The person seeking advance parole attempts to enter the United States before a decision is made on the application.

General Instructions.**Step 1. Fill Out the Form I-131**

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

Step 2. General requirements**1. Initial Evidence.**

We may request additional information or evidence, or we may request that you appear at a USCIS office for an interview. You must file your application with all the required evidence. If you do not submit the required evidence, it will delay the issuance of the document you are requesting.

All applications must include a **copy of an official photo identity document showing your photo, name and date of birth.** (Example: a valid government issued driver's license; passport identity page; Form I-551, Permanent Resident Card or any other official identity document.) The copy must clearly show the photo and identity information. A **Form I-94, Arrival/Departure Document, is not acceptable as a photo identity document.**

If you are applying for a:

A. Reentry Permit.

You must attach:

1. A copy of the front and back of your Form I-551, Permanent Resident Card; or
2. If you have not yet received your Form I-551, a copy of the biographic page(s) of your passport and a copy of the visa page showing your initial admission as a permanent resident, or other evidence that you are a permanent resident; or
3. A copy of the Form I-797, Notice of Action, approval notice of an application for replacement of your Permanent Resident Card or temporary evidence of permanent resident status.

B. Refugee Travel Document.

You must attach a copy of the document issued to you by the USCIS or former INS showing your refugee or asylee status and the expiration date of such status.

C. Advance Parole Document.

1. *If you are in the United States*, you must attach:
 - a. A copy of any document issued to you by the USCIS or former INS showing your present status in the United States; and

- b. An explanation or other evidence showing the circumstances that warrant issuance of an advance parole document; or
- c. If you are an applicant for adjustment of status, a copy of the USCIS or former INS receipt as evidence that you filed the adjustment application;
- d. If you are traveling to Canada to apply for an immigrant visa, a copy of the U.S. consular appointment letter.

2. If you are applying for a person who is outside the United States, you must attach:

- a. A statement of how and by whom medical care, transportation, housing, and other expenses and subsistence needs will be met; and
- b. An Affidavit of Support (Form I-134), with evidence of the sponsor's occupation and ability to provide necessary support; and
- c. A statement explaining why a U.S. visa cannot be obtained, including when and where attempts were made to obtain a visa; and
- d. A statement explaining why a waiver of inadmissibility cannot be obtained to allow issuance of a visa, including when and where attempts were made to obtain a waiver, and a copy of any USCIS or former INS decision on your waiver request; and
- e. A copy of any decision on an immigrant petition filed for the person, and evidence regarding any pending immigrant petition; and
- f. A complete description of the emergent reasons explaining why advance parole should be authorized and including copies of any evidence you wish considered, and indicating the length of time for which the parole is requested.
- g. Two completed fingerprint cards (FD-258) You must indicate your Alien Registration Number (A#) on the fingerprint card and ensure that the completed cards are not bent, folded or creased. The fingerprint cards must be prepared by a U.S. Embassy or U.S. Consulate, USCIS office or U.S. Military Installation.

2. Photographs.**A. If you are outside the United States and filing for a refugee travel document, or if you are in the United States and filing for advance parole document.**

You must submit two identical color photographs of yourself taken within 30 days of the filing of this application.

The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

NOTE: Digital photos are not acceptable:

NOTE: Because of the current USCIS scanning process, if a digital photo is submitted, it needs to be produced from a high resolution camera, which has at least a 3.5 mega pixel.

Passport-style photos must be 2" x 2." The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top of hair to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

B. If the person seeking advance parole is outside the United States:

1. If you are applying for an advance parole document and you are outside the United States, do not submit the photographs with your application. Prior to issuing the parole document, the U.S. embassy or consulate or DHS office abroad will provide you with information regarding the photograph requirements.
2. If you are filing this application for an advance parole document for another person, submit the required photographs of the person to be paroled.

Invalidation of Travel Document.

Any travel document obtained by making a material false representation or concealment in this application will be invalid.

A travel document will also be invalid if you are ordered removed or deported from the United States.

In addition, a refugee travel document will be invalid if the United Nations Convention of July 28, 1951, shall cease to apply or shall not apply to you as provided in Article 1C, D, E or F of the Convention.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Where To File?

E-Filing Form I-131

Certain Form I-131 filings may be electronically filed (E-filed) with USCIS. Please view our website at www.uscis.gov for a list of who is eligible to e-file this form and instructions.

1. Travel Documents.

If you are applying for a refugee travel document based on your refugee or asylum status or you are a permanent resident as a direct result of your refugee or asylee status in the U.S., file your Form I-131 with the Nebraska Service Center at the below address:

**USCIS Nebraska Service Center
P.O. Box 87131
Lincoln, NE 68501-7131**

2. Reentry Permits.

If you are a Lawful Permanent Resident or a Conditional Permanent Resident and are applying for a reentry permit, file your Form I-131 with the Nebraska Service Center at the below address:

**USCIS Nebraska Service Center
P.O. Box 87131
Lincoln, NE 68501-7131**

3. Advance Parole.

A. For adjustment of status applications (Form I-485) filed with the USCIS Chicago Lockbox Facility:

Submit Form I-131 either concurrently with Form I-485 or alone to the same address you used to file your I-485 application (a complete list of the adjustment of status applications filed with the USCIS Chicago Lockbox Facility is found on Form I-485):

USCIS Lockbox Addresses:

For United States Postal Service (USPS) deliveries:

**USCIS
P.O. Box 805887
Chicago, IL 60680-4120**

For private courier (non-USPS) deliveries:

**USCIS
Attn: FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1029**

B. For battered spouses and children applying for adjustment of status:

If you are filing as a battered or abused spouse or child and you are filing your I-131 concurrently with Form I-485 send both forms to the address you will use to file Form I-485. If you are requesting advanced parole based on a pending I-485, file your Form I-131 using the same address you used to file Form I-485.

C. For special immigrant international employees:

If you are a special immigrant international organization employee or eligible relative and you are applying for advance parole concurrently with Form I-485, use the filing address listed on Form I-485 for both forms. If you are filing a Form I-131 based on a pending Form I-485, file Form I-131 with the Nebraska Service Center using the following address:

**USCIS Nebraska Service Center
P.O. Box 87131
Lincoln, NE 68501-7131**

D. For aliens granted refugee or asylee status who have filed or will file an adjustment of status application:

If you have been granted refugee or asylee status and you are applying for advance parole concurrently with Form I-485 use the filing address listed on Form I-485 for both forms. If you are filing a Form I-131 based on a pending Form I-485, file Form I-131 with the Service Center where your Form I-485 is pending (see addresses to the Nebraska and Texas Service Centers below).

E. For Immigrant Investors:

If you are an immigrant investor and you are applying for advance parole concurrently with Form I-485, use the filing address listed on Form I-485 for both forms. If you are filing a Form I-131 based on a pending Form I-485, file Form I-131 with the Texas Service Center using the following address:

**USCIS Texas Service Center
P.O. Box 851182
Mesquite, TX 75185-1182**

E. For applicants covered under the Haitian Refugee Immigrant Fairness Act (HRIFA):

If you are either the dependent spouse or child of a HRIFA principal or a HRIFA principal who has a Form I-485 pending you may file your Form I-131 using the following address:

**USCIS Nebraska Service Center
P.O. Box 87245
Lincoln, NE 68501-7245**

F. For other adjustment of status applications (Form I-485) filed at a USCIS Service Center including the following:

1. Based on an underlying Form I-140 petition;
2. Based on an underlying Form I-360 petition not previously mentioned; or
3. Others not previously mentioned.

If you are applying for advance parole concurrently with Form I-485, use the filing address listed on Form I-485 for both forms. If you are filing a Form I-131 based on a pending Form I-485, file Form I-131 with the Nebraska Service Center or Texas Service Center, depending on where you live.

1. Nebraska Service Center Filings:

File your Form I-131 with the Nebraska Service Center if you live in the following states: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming.

**USCIS Nebraska Service Center
P.O. Box 87131
Lincoln, NE 68501-7131**

2. Texas Service Center Filings:

File your Form I-131 with the Texas Service Center if you live in the following states: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Oklahoma, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia and the District of Columbia.

**USCIS Texas Service Center
P.O. Box 851182
Mesquite, TX 75185-1182**

G. For individuals with Temporary Protected Status (TPS)

If you have been granted Temporary Protected Status and you are applying for advance parole, mail Form I-131 to the Vermont Service Center, regardless of where you live in the U.S.

USCIS Vermont Service Center
Attn: I-131
75 Lower Welden Street
St. Albans, VT 05479-0001

H. For beneficiaries outside the U.S. making the request on humanitarian grounds, of a Private Bill, and in removal proceedings:

If you are:

1. The beneficiary of a Private Bill,
2. In removal proceedings or
3. Outside the U.S. and are applying for advance parole on humanitarian grounds or the request is being filed on your behalf.

Then mail Form I-131 to the following address:

U.S. Citizenship and Immigration Services
Attn: Chief, International Operations Division
(Humanitarian Parole)
20 Massachusetts Avenue, NW, Room 3300
Washington, DC 20529

I. Questions Regarding Form I-131.

For additional information about Form I-131, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov**.

What Is the Filing Fee?

The fee for this application is **\$305.00**. This is the total fee which includes biometrics (fingerprints).

Use the following guidelines when you prepare your check or money order for the Form I-131 fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: If you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, no fee is required to also file a request for advance parole on Form I-131. You may file the I-131 concurrently with your I-485, or you may submit the I-131 at a later date. If you file Form I-131 separately, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of an I-485 as of July 30, 2007.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134